



## **STAFF ATTORNEY POSITION ANNOUNCEMENT**

### **About the Center for Heirs' Property Preservation**

The Center for Heirs' Property Preservation (the Center), a nonprofit organization established in February 2005, has a mission of protecting heirs' property (HP) and promoting the sustainable use of land to provide increased economic benefit to low-wealth families through education, advocacy, legal services and forestry technical assistance in the counties of Allendale, Bamberg, Beaufort, Berkeley, Calhoun, Charleston, Clarendon, Colleton, Dillon, Dorchester, Georgetown, Hampton, Horry, Jasper, Lee, Marlboro, Orangeburg, Sumter, Williamsburg, Darlington, Marion and Florence.

### **Staff Attorney Position Description**

Under the supervision of the Director of Legal Services, this position performs such duties as conducting client intakes and providing consultations and direct legal representation on legal matters pertaining to heirs' property, tenancy in common rights, probate estate administration, intestate inheritance, chain of title issues, tax sales, quiet title actions, land partition matters, and the drafting of Wills and Advanced Directives. The position also requires full participation in community outreach efforts and events within the Center's service area which will include evening and weekend work. This position is a full time equivalent, exempt position. The home office for this position will be at the Center's Charleston Office located at 1535 Sam Rittenberg Blvd, Ste. D, Charleston, SC 29407.

### **Desired Experience, Education, Skills, and Knowledge**

Juris Doctorate degree from an accredited law school with acceptance to the SC Bar.

Completion of the 403 requirements.

Has at least 1-3 years of experience in handling the administration of probate estates and Petition to Determine Heirs actions and familiarity with the quiet title process.

Must be a member in good standing of the South Carolina Bar with no South Carolina Bar Disciplinary Issues.

Experience in real property title review and transactions and a working knowledge of the processes involved in the offices of public land records, i.e., the RMC, Probate and Clerks of Court.

Capability to maintain project records and reports using technology and experience in using this information to prepare project-related reports for management, partners and funders

Excellent interpersonal skills and strong oral and written communications skills

Proven ability to work as part of a team in shared office space

Capability to deal with individuals from various backgrounds, including clients and personnel.

Experience either in working or volunteering for a nonprofit social service organization.

Empathetic to the special values and challenges of heirs' property owners and other historically underserved landowners.

### **Compensation**

Compensation consists of (1) a base salary that is dependent upon level of experience and falls within Center Pay Grade 9 (\$50,000 - \$60,000) and (2) benefits (i.e., paid leave, health and dental insurance, and retirement).

### **Application Process**

Applications will be received until 5 pm on **January 29, 2021**. It is anticipated that the position will be filled by February 12, 2021. Applicants should send via either email or mail (1) a cover letter, which includes why the applicant wishes to apply for the position, along with salary requirements and (2) a resume. This information should be sent to the attention of:

J.F. Walden, Esq., Chief Operating Officer, ([jwalden@heirsproperty.org](mailto:jwalden@heirsproperty.org)), Center for Heirs' Property Preservation, 1535 Sam Rittenberg Blvd., Suite D., Charleston, South Carolina 29407

No calls, please, regarding this opportunity; however, feel free to view the Center's website at [www.heirsproperty.org](http://www.heirsproperty.org) for additional information. This is a republication of the position.

**If you applied previously, please do not resubmit your cover letter and resume again as we have them on file.**



### **What is Heirs' Property?**

In the Lowcountry, most heirs' property is rural land owned by African Americans who either purchased or were deeded land after emancipation, but who were routinely denied access to the legal system. Much of this land has been passed down through the generations without the benefit of a will so that the land is owned in common by all of the heirs, regardless of whether they live on the land; pay the taxes or have never set foot on the land.

This form of property succession is called *intestate succession* which is an unstable form of ownership that puts heirs' property at high risk for loss because any heir can sell his/her percentage of ownership (no matter how small) to another who can then force a sale of the entire property in the courts. This legal vulnerability has resulted in the loss of many family estates, and in particular, has disrupted the continuity of culture and heritage among African-American communities living in coastal South Carolina.

Ironically, a great deal of heirs' property is land that was originally considered mosquito-ridden and unlivable because it was located near water. Today, it is some of the most desirable land in the Lowcountry. With increasing pressure from development along the coast, conserving this important rural land is also essential to the preservation of our coastal landscape and everyone's quality of life. Therefore, the Center promotes and facilitates the engagement and involvement of heirs' property owners with community leaders in their local planning processes.

Often, heirs' property mistakenly believe that they own their property (have clear title) because: 1) they have paid taxes on the land; 2) they have received a verbal expression of inheritance, and 3) they have been living on the land. This is not the case.

Consequently, community education is the main thrust of the Center followed by full representation to provide the necessary legal services to help heirs' property owners resolve their HP issues. At any given time, the Center's attorneys are handling 60 or more family cases. Once title is cleared, the landowners may take advantage of the Center's educational workshops with a range of expert partners to determine the best option(s) for making use of their land to maximize income and value. Those with forested acreage may qualify for the Center's Sustainable Forestry Program. The Center's specific services include:

- Conducting HP 101 (heirs' property) legal seminars to educate heirs on their rights and strategies to ensure they do not lose their land;
- Providing extensive legal assistance and representation to heirs who either want to "clear" title, or are in the process of losing their land;
- Providing "Family Presentations" to promote essential, family agreement
- Conducting Wills Clinics to prevent the growth of heirs' property ownership, and
- Conducting the Sustainable Forestry Program for African American landowners with a minimum of 10 forested acres to maximize their income and land value, and
- Conducting "Informational Outreach" presentations to the community-at-large.